

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

**DARRAL F. VanISTENDAL, R.N.**  
**License # 26NR13383100**

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER  
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Darral F. VanIstendal ("Respondent") is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about July 10, 2014, The Board sent a letter of inquiry to Respondent at his address of record by certified and regular mail, asking for information concerning an arrest on June 12, 2014 on drug-related charges, as well as other information, including documentation of continuing education completed with the last three years. The certified mailing was returned, unclaimed. The regular mailing was not returned. The Board received no response.

3. Respondent indicated on his 2013 renewal application that he would have completed all required nursing continuing education for the June 1, 2011 - May 31, 2013 licensing cycle by May 31, 2013.

### **CONCLUSIONS OF LAW**

Respondent's failure to respond to the Board's inquiry for information concerning the arrest constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, 1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Respondent's failure to demonstrate timely completion of nursing continuing education requirements for the June 1, 2011 – May 31, 2013 renewal period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on his 2013 renewal application that he would complete all required continuing education for the preceding renewal period by May 31, 2013, constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and seven hundred and fifty dollars (\$750) in civil penalties was entered on November 3, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or

other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline and maintained that he had provided the Board's original letter of inquiry to his attorney and believed his attorney had responded on his behalf. In response to the Provisional Order, the attorney maintained that the Board had not received a response to the letter of inquiry "because of error." The attorney and Respondent have now provided a full and complete response to the Board's letter of inquiry, including evidence that Respondent was accepted into the Pre-Trial Intervention Program relating to the criminal matter. Respondent maintains that he has not worked as a nurse since October 2010.

Regarding continuing education, Respondent was required to have completed 30 hours of continuing education by May 31, 2013. Respondent demonstrated that he completed the 30 hours of continuing education on June 10, 2013 – ten days late. As Respondent would not have known that the Board would request to see his proof of completion of continuing education, it appears that Respondent completed the continuing education to comply with the requirements of his license, without being prompted by the Board. The Board has determined that Respondent's efforts warrant the exercise of its discretion. Respondent may apply the 30 hours of continuing education completed on June 10, 2013 to satisfy the requirements of the June 1, 2011 – May 31, 2013 biennial period, but those same 30 hours may not be used to also satisfy the requirements of the current biennial period of June 1, 2013 – May 31, 2015.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. Inasmuch as Respondent provided the information

originally requested and demonstrated completion of 30 hours of continuing education for the June 1, 2011 – May 31, 2013 biennial period, the Board determined that suspension was no longer warranted. Additionally, the Board determined to exercise leniency and eliminate the reprimand and the two hundred and fifty dollar (\$250) civil penalty for completing the required continuing education 10 days late. However, the Board determined that Respondent's failure to respond to the original inquiry, admittedly due to error on the part of Respondent and/or his attorney, which necessitated the filing of the Provisional Order of Discipline and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty.

**ACCORDINGLY, IT IS on this** 8<sup>th</sup> **day of** April **, 2015**

**ORDERED that:**

1. A five hundred dollar (\$500) civil penalty is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 and 1.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

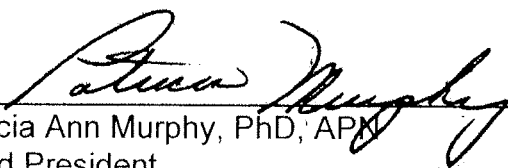
2. The 30 hours of continuing education completed on June 10, 2013 have been applied to satisfy the requirements of the June 1, 2011 – May 31, 2013 biennial

period. Respondent shall complete an additional 30 hours of continuing education prior to May 31, 2015 to satisfy the requirements of the June 1, 2013 – May 31, 2015 biennial period.

3. The Board reserves the right to initiate proceedings based upon the information provided by Respondent, the disposition of the criminal matter, or any other new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Ann Murphy, PhD, APN  
Board President